

JUL 22 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

DAVID TERRY KIDD, JR.,

Petitioner,

v.

COMMONWEALTH OF VIRGINIA, et al.,

Respondents.

Civil Action No. 7:08CV00335

DISMISSAL ORDER

By: Hon. Glen E. Conrad  
United States District Judge

In accordance with the memorandum opinion entered this day, it is now

**ORDERED**

that the petition for writ of habeas corpus filed by the petitioner, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice as successive. Any pending motions are **DENIED as MOOT**, and the matter is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 22<sup>nd</sup> day of July, 2008.

*[Signature of Glen E. Conrad]*

United States District Judge